

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

VICTOR E. GOMEZ,

Plaintiff,

v.

CRAIG ESTEY, *et al.*,

Defendants.

Case No. 2:21-cv-01105-RFB-EJY

ORDER

Before the Court for consideration is the Report and Recommendation [ECF No. 3] of the Honorable Elayna J. Youchah, United States Magistrate Judge, entered August 4, 2021.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is required to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct “any review,” de novo or otherwise, of the report and recommendations of a magistrate judge. Thomas v. Arn, 474 U.S. 140, 149 (1985). Pursuant to Local Rule IB 3-2(a), objections were due by August 18, 2021. No objections have been filed. The Court has reviewed the record in this case and concurs with the Magistrate Judge’s recommendations.

1 **IT IS THEREFORE ORDERED** that the Report and Recommendation [ECF No. 3] is
2 ACCEPTED and ADOPTED in full.

3 **IT IS FURTHER ORDERED** that Plaintiff's Complaint (ECF No. 1-1) is dismissed
4 without prejudice as barred by *Heck v. Humphrey*.

5 **IT IS FURTHER ORDERED** that the Clerk of Court send Plaintiff a copy of instructions
6 pertaining to filing a habeas corpus petition so that, if he so chooses, Plaintiff may commence a
7 new claim under 28 U.S.C. § 2254.

8
9 DATED: January 27, 2022.

A handwritten signature in black ink, appearing to be 'RFB', written over a horizontal line.

RICHARD F. BOULWARE, II
United States District Judge